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THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Master-in-Equity

Appellate Case No. 2015-000367

RECEIVED

DEC 29 2015

SC Court of Appeals

Royals Portfolio, LLC, an assignee of
Bank of America, N.A., formerly known as
NationsBank, N.A., which is Successor in
Merger to NCNB South Carolina,Respondent,

v.

Charlie Kelley and Dorothy Simpson, Appellants.

MOTION TO STAY APPEAL
AND
HOLD APPELLATE TIMELINES IN ABEYANCE

The Respondent's Initial Brief and Designation is currently due January 4, 2016. Appellant Charlie Kelley recently filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*) in the United States Bankruptcy Court for the District of South Carolina (the "Bankruptcy Court") commencing Case No. 15-06419-dd (the "Bankruptcy Case"). Thus, the "automatic stay" imposed by the Bankruptcy Code has arisen and *inter alia* prevents the continuation of state court proceedings while the stay is in effect. 11 U.S.C. § 362. Accordingly, the Respondent respectfully requests that the time for its initial brief and designation be held in

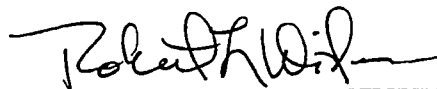
abeyance and this appeal be stayed until further order of the Bankruptcy Court or resolution of the Bankruptcy Case. Counsel for Appellants has consented to this motion.

This Court previously stayed this appeal due to the earlier bankruptcy filing of Appellant Dorothy Simpson. She initially filed a Chapter 13 bankruptcy petition (commencing Case No. 15-02401-hb), which was later converted for cause to Chapter 7. Appellant Dorothy Simpson's Chapter 7 bankruptcy trustee subsequently abandoned the bankruptcy estate's interest in the property that is the subject of this appeal, whereupon this Court lifted the stay and ordered the filing of the Respondent's initial brief and designation by January 4, 2016.

Thereafter, Appellant Charlie Kelley filed a bankruptcy petition, thereby giving rise to another bankruptcy stay and necessitating the present motion. The trustee in his bankruptcy has not yet taken a position as to the property involved in this appeal. Respondent's bankruptcy counsel is preparing and will be filing a motion for relief from the automatic stay in Appellant Charlie Kelley's Bankruptcy Case for this property.

For all of the foregoing reasons, it is respectfully requested that this Court stay this appeal and hold in abeyance the time for serving and filing Respondent's initial brief and designation until thirty (30) days after the stay is lifted or the Bankruptcy Case is otherwise resolved.

Respectfully Submitted,



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(803) 799-9800
Attorneys for Respondent

December 28, 2015
Columbia, SC

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v.

Charlie Kelley and Dorothy Simpson, Appellants.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of McNair Law Firm, certify that I served the Respondent's Motion to Stay Appeal and Hold Appellate Timelines in Abeyance this 29th day of December, 2015, by placing a true and correct copy in the U.S. Mail, sufficient postage pre-paid to counsel for the Appellants, Appellant Charlie Kelly's bankruptcy attorney, and U.S. Trustee's office, at the following addresses:

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Columbia, SC 29201
Bankruptcy Trustee for Appellant Charlie Kelly



Ann Shuler

MCNAIR
ATTORNEYS

December 29, 2015

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SC Court of Appeals

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Via Courier

Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211


Re: Royals Portfolio, LLC v. Charlie Kelly and Dorothy Simpson
Case No.: 2012-CP-40-07878

Dear Ms. Kitchings:

Enclosed for filing, please find the original and seven copies of the Respondent's Motion to Stay Appeal and Hold Timelines in Abeyance, along with our check in the amount of \$25.00. Please file the motion in your office and return a file stamped copy to me via courier.

Respectfully yours,

McNAIR LAW FIRM, P.A.



Robert L. Widener

RLW/as
Enclosures

cc: Phillip A. Curiale, Esquire (*via email and U.S. Mail*)
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